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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,227	06/26/2007	Andreas Holl	10191/4262	2737
26646	7590	06/13/2008	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			MOULIS, THOMAS N	
ART UNIT	PAPER NUMBER			
	3747			
MAIL DATE	DELIVERY MODE			
06/13/2008	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,227	<b>Applicant(s)</b> HOLL ET AL.
	<b>Examiner</b> Thomas N. Moulis	<b>Art Unit</b> 3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 7/14/06.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 18-37 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 18,19 and 29-37 is/are rejected.

7) Claim(s) 20-28 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement (PTO-1468)  
 Paper No(s)/Mail Date 7/14/06;8/3/07;3/24/08

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 18-19, 29-37 are rejected under 35 U.S.C. 102(a) as being anticipated by DE 197 57 594 A1. The reference discloses the claimed elements of a method for operating an internal combustion engine having an injection system, comprising the steps of conveying fuel into a fuel accumulator by a metering unit and a high-pressure pump; recording and regulating a pressure in

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the fuel accumulator by controlling the metering unit; and ascertaining an individual characteristics line that represents an actual response of the metering unit for control of the metering unit during operation of the internal combustion engine. The system controls the fuel system for an engine in a motor vehicle using measured actual fuel pressure feedback to more precisely control the fuel pump.

3.

4. Claims 18-19, 29-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Frenz et al US 2003/0037769. The reference of Frenz et al discloses the claimed elements of a method for operating an internal combustion engine having an injection system, comprising the steps of conveying fuel into a fuel accumulator by a metering unit and a high-pressure pump; recording and regulating a pressure in the fuel accumulator by controlling the metering unit; and ascertaining an individual characteristics line that represents an actual response of the metering unit for control of the metering unit during operation of the internal combustion engine. The system controls the fuel system for an engine in a motor vehicle using measured actual fuel pressure feedback to more precisely control the fuel pump. See Figure 5 showing the graph of fuel pressure detected by the pressure sensor.

5.

6. Claims 18-19, 29-37 are rejected under 35 U.S.C. 102(a) as being anticipated by GB 2 378 773. The reference discloses the claimed elements of a method for operating an internal combustion engine having an injection system,

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comprising the steps of conveying fuel into a fuel accumulator by a metering unit and a high-pressure pump; recording and regulating a pressure in the fuel accumulator by controlling the metering unit; and ascertaining an individual characteristics line that represents an actual response of the metering unit for control of the metering unit during operation of the internal combustion engine. The system controls the fuel system for an engine in a motor vehicle using measured actual fuel pressure feedback to more precisely control the fuel pump. See Figures 2a and 2b showing the graph of fuel pressure detected by the pressure sensor.

7.

***Allowable Subject Matter***

8. Claims 20-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the cited documents disclosing fuel injection systems having fuel pressure feedback systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas N. Moulis whose telephone number is 571 272 4852. The examiner can normally be reached on M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on 571 272-4536. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas N Moulis/  
Primary Examiner  
Art Unit 3747

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